

Chapter 255: Streets and Sidewalks

[HISTORY: Adopted by the Board of Commissioners of the Township of Cheltenham 12-29-1977 by Ord. No. 1431 as Ch. 16 of the Cheltenham Code. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 188.

Parking lots — See Ch. 197.

Article I: General Regulations

§ 255-1 Obstruction in legal right-of-way.

[Amended 9-15-1987 by Ord. No. 1653; 10-21-1997 by Ord. No. 1896-97]^[1]

It shall be unlawful for any person or persons, corporations or associates to place or maintain any bench, other obstruction or leaves, grass, yard trimmings and tree branches of any kind whatsoever upon any part of the legal right-of-way of any of the public highways situate within the Township of Cheltenham, except that hereafter it shall be lawful for the property owner situate in Cheltenham Township abutting any public highway to place only leaves from said property in the gutter of said highway in a reasonably safe manner so as not to create a public safety hazard, in coordination with the annual published dates of the township leaf collection program each fall season. Said leaves shall not be placed in the gutter prior to 14 days before the scheduled collection date. In no case shall leaves be placed in the gutter after the last published collection date. Bus shelters, pursuant to agreement approved by Cheltenham Township, are exempt from the provisions of this chapter.

[1] *Editor's Note: Original Section 16-1, Disposal of house drainage, offal, garbage, etc., which immediately preceded this section, was deleted 11-21-1995 by Ord. No. 1846-95. See now Ch. 188, Nuisances.*

§ 255-2 Eating and drinking places and stands prohibited.

[Amended 3-21-1989 by Ord. No. 1686]

On or after the passage of this chapter, it shall be unlawful for any person or persons to conduct a public eating or drinking place or stand upon any sidewalk, street or highway, situate in the Township of Cheltenham.^[1]

[1] *Editor's Note: Original Section 16-3, Planting and maintaining trees prohibited, as amended, which immediately preceded this section, was repealed 11-21-1995 by Ord. No. 1846-95.*

§ 255-3 Regulation of building materials and dumpsters.

[Amended 1-20-1987 by Ord. No. 1644]

A. When any person or persons shall be about to erect or repair any house, building, wall or other structure within the Township of Cheltenham and shall be desirous to occupy a part of the public street or road for placing building material, mortar boxes or dumpster thereon, he or they shall make application to the Township Manager at the Township Building, stating the number and extent of such building, etc., for the accommodation of which he may desire to occupy said street or road, and thereupon, the Township Manager shall issue a printed permit to occupy said part of any public street or road in the neighborhood for the purpose aforesaid, not exceeding in extent the dimensions of the front of the premises about to be built upon or repaired and, further, not exceeding eight feet in width, 13 feet in height and one foot over curbstone, with a gutter left along the curb 15 inches in height, with cleanout holes, 12 by 18 every 25 feet in length. In case it is desired to mix mortar and place any mortar boxes upon any of the public streets or highways during the erection and repair of buildings, walls or other structures, it shall be required that a watertight box be used, provided that, in all cases, building materials shall be neatly maintained and reflectorized or lighted barricades used and cartway shall at all times be left unencumbered between said materials or mortar boxes and the opposite curbstone for the passage of vehicles; and, provided further, that no building materials or dumpster shall be placed within 15 feet of any fire hydrant or flagstone crossing or within 50 feet of a railroad track.

B. In the case of a dumpster, should the applicant not be able to place the same on his or their private property, a permit may be issued. The placement of said dumpster shall be in accordance with all requirements of the Commonwealth of Pennsylvania

Motor Vehicle Code^[1] and the Township Traffic Code.^[2] The dimensions of the dumpster shall not exceed eight feet in width by 20 feet in length, shall be lighted or reflectorized or lighted barricades used and shall not inhibit vehicle sight distance visibility. The applicant shall provide the township with the name and telephone number of the company furnishing the dumpster. Should it be proven subsequent to the placement of a dumpster in the right-of-way that said dumpster creates a hazard, even though a permit has been issued, the Director of Public Works shall have the right to require the permittee to have the dumpster removed within 24 hours.

[1] *Editor's Note: See 75 Pa.C.S.A. § 101 et seq.*

[2] *Editor's Note: See Ch. 285, Vehicles and Traffic.*

- C. If any damage or injury to the roadbed shall be caused or done by the use or occupancy of any street or road hereunder, the party to whom such permit shall have been issued shall be responsible and liable for the same and shall restore the roadbed to its original condition and proceed to collect the cost of the same from said party, according to law.
- D. The cost of a permit to be granted hereunder shall be set forth from time to time by resolution of the Board of Commissioners, the same to be good for 15 days.^[3]
[Amended 11-21-1995 by Ord. No. 1846-95]

[3] *Editor's Note: For current fee amounts, see Ch. A300, Fees.*

§ 255-4 Storing, selling or displaying goods or merchandise.

It shall be unlawful for any person or persons to place any obstruction whatsoever upon any part of the sidewalks situate within the Township of Cheltenham or to use any part of said sidewalks for the purpose of storing, selling or displaying goods or merchandise of any kind or description.

§ 255-5 Removal of snow and ice.

[Amended 9-15-1987 by Ord. No. 1655; 3-21-1989 by Ord. No. 1686; 11-21-1995 by Ord. No. 1846-95; 4-16-2014 by Ord. No. 2280-14]

- A. Definitions. As used in this Article, the following terms shall have the meanings indicated:

LAST KNOWN ADDRESS

The address for the owner or occupant as listed in the records of the Montgomery County Board of Assessment.

OCCUPANT

The tenant or tenants with respect to one- or two-family dwellings, or the manager or person having care, custody or control of the building or lot with respect to three-family or larger dwellings, commercial businesses, industrial premises, vacant lots or unoccupied buildings.

OWNER

The property owner as listed with the Montgomery County Board of Assessment.

- B. It shall be the duty of the owner or occupant of any building or lot fronting or alongside a sidewalk ordinarily open to the public to remove all accumulations of snow and ice from the sidewalk no later than 24 hours after snow and/or ice (as applicable) has ceased to fall. Failure to comply will result, upon summary conviction before a Magisterial District Judge, to be sentenced to pay a fine in accordance with § 255-22.
 - (1) The cleared pathway shall not be less than 24 inches wide and shall be thoroughly cleared to that extent of snow and ice or other obstructions. A minimum of passage of not less than 24 inches shall also be cleared to the street. Handicapped access ramps shall be cleared to a minimum of passage of 24 inches.
 - (2) Should the snow and/or ice on the sidewalk be frozen so hard that it cannot be removed without injury to the pavement, the person charged with the responsibility for the snow and ice removal shall cause the sidewalk fronting or alongside building or lot to be strewn and to be kept strewn with sand, salt or any suitable abrasive material and shall, as soon thereafter as the weather shall permit (but no later than 48 hours thereafter), remove all such abrasive material as well as all ice and snow from such sidewalks.
 - (3) Service of Notice. Service of notice may be completed by personal service, service by mail, or by posting.

- (a) Personal service. Service of notice may be completed by handing a copy to the defendant, or by handing a copy, at the residence of the defendant, to an adult member of the family with whom the defendant resides, but if no adult member of the family is found, then to an adult person in charge of such residence where the nuisance exists.
- (b) Service by mail. Service of the notice may also be accomplished by mailing the notice to the last known address of the owner or occupant. Service by mail is complete upon mailing.
- (c) Service by posting. Service of the notice may also be completed by posting a copy thereof in a conspicuous place upon the building or lot where the nuisance exists.

§ 255-6 Providing danger lights.

[Amended 3-21-1989 by Ord. No. 1686]

- A. Every person or corporation who or which shall excavate any street, road or highway of the township under permit duly issued by the township or who shall deposit building materials on such street, road or highway shall place or cause to be placed and kept burning during the night sufficient danger signals of red color so as to properly warn travelers and vehicles upon said streets, roads or highways, but in no event shall there be at any time fewer than three such warning signals.
- B. It shall be the duty of the applicant to furnish suitable protection to the traveling public surrounding the location of all openings, excavations, stored materials and buildings or other structures within the permit area by means of suitable flags and barricades supplemented by red lanterns, where necessary, which shall be kept lighted from sunset to sunrise or provide such other means of protection as may be required by the Township Engineer.

§ 255-7 Grades and lines for setting or resetting curbs.

- A. No official of the township, other than the Township Engineer, is empowered to give or define grades or lines for the setting of a curb along the highways, nor shall any act on the part of any other official or employee bind the township or make it liable therefor.
- B. No curb upon the highways of the township shall be set or reset, unless the property owner or his contractor or agent shall first procure from the Township Commissioners a permit therefor, which shall define or determine the manner in which the curb may be set or reset, and shall not be done otherwise.
- C. An applicant for a permit shall file a written application with the Township Engineer stating specifically the desired line or grade of the curb to be set or reset and its location and length and shall pay a minimum charge, to be set forth from time to time by resolution of the Board of Commissioners, and if the length of the line of the proposed curb shall exceed 75 feet, he shall pay an additional charge.^[1]

[Amended 11-21-1995 by Ord. No. 1846-95]

[1] *Editor's Note: For current fee amounts, see Ch. A300, Fees.*

- D. The Township Engineer, after making the necessary survey, shall establish and fix the line and grade of the curb proposed to be set or reset, and no curb shall be set or reset except after a permit is thus obtained and after the Township Engineer shall have given the line and grade.
- E. Property owners and their contractors or agents shall protect the public, by proper guards and lights, against any danger of injury while the highway is open in the work of setting the curb or any matter pertaining thereto, including the guarding against injury by material that may be placed in the highway for that purpose.

§ 255-8 Grading, construction and replacement of sidewalks and/or curbs.

[Amended 3-21-1989 by Ord. No. 1686; 12-15-1992 by Ord. No. 1766-92; 3-16-1993 by Ord. No. 1773-93]

- A. It shall be the duty of all owners of property abutting upon any public street within the township to keep and maintain the sidewalk and/or curb and gutter in front of their respective properties in good order, condition and repair; upon notice to do so from the Township Manager or his duly authorized representative, and within 90 days after its receipt, to replace in front of their respective properties at the owner's expense the concrete cement sidewalk and/or curb or either of them; and, in order to have uniformity, the sidewalk shall be not less than four feet in width, four inches in thickness; and if the same extends to the curb, with a grade or fall toward the curb of one-fourth (1/4) inch to each foot.

[Amended 9-19-1995 by Ord. No. 1843-95]

- B. Any driveway crossing a curb and pavement shall be constructed of the same materials as the curb or pavement over which it passes, except it shall be six inches thick, and in such a manner as will not cause any obstruction to or interference with the safe use of the same by pedestrians.
- C. Wherever a curb is to be set at a corner of a street, a curved curb shall be placed, cut to such a radius as may be determined by the Township Engineer. Existing curbs at street corners shall be replaced with curved curbs with handicapped ramps in accordance with Americans with Disabilities Act (ADA) specifications whenever sidewalk and/or curb replacement at a corner is undertaken.
- D. No covered gutters shall hereafter be constructed without the written permission of the Township Engineer.
- E. The aforementioned notices may be served upon the owner, or any adult member of the family, or upon the tenant or occupier of the property, but should the owner reside elsewhere or the premises be unoccupied, then such notice may be posted upon a conspicuous portion of the premises.
- F. It shall be the duty of all owners of the abutting property to keep the adjacent sidewalk and curb, together with any portion of such owner's property paved and used as a sidewalk or public walk, in good order and repair, and at all times free and clear of all obstructions to safe and convenient passage. Sidewalks with more than one horizontal crack, spalling, or a difference in elevation of more than 3/4 inch, and curbs with multiple cracks, spalling, visible signs of integrity degradation, misalignment or leaning over the roadway shall be deemed not in a safe condition and shall be replaced. Patching of sidewalks or curbs is prohibited.

[Added 3-21-2006 by Ord. No. 2107-06]

- G. Areas of the Township which have been reconstructed as streetscape enhancement areas, as listed below, shall be restored, after any street or sidewalk opening, to the same condition and with the same material as that which existed prior to any such opening. Any replacement granite curbing or replacement sidewalk paver material shall be approved by the Township Engineer or a designated Township official prior to installation. All work within the streetscape enhancement areas shall conform to the official Township specifications and details on file in the office of the Public Works Department.

[Added 7-21-2009 by Ord. No. 2190-09]

- (1) Wesley Avenue from Easton Road to 175 feet easterly.
- (2) Easton Road from the railroad overpass to 100 feet south of Springhouse Lane.

§ 255-9 Breaking of sidewalk and curb.

[Amended 3-21-1989 by Ord. No. 1686; 12-15-1992 by Ord. No. 1766-92; 3-16-1993 by Ord. No. 1773-93]

- A. No person or legal entity shall break any sidewalk or curb within the limits of the Township of Cheltenham, or change the same from the established grade thereof, without first having obtained a permit for such purpose from the Township Manager or his duly authorized representative.
- B. Upon failure to comply with notices given, any person or legal entity violating the provisions of this chapter shall, upon summary conviction before a District Justice, pay a fine as set forth in § 255-22, together with costs of suit, collectible in the manner provided by Law. Each violation after notice of an offense or service of a summons shall constitute a distinct and separate offense.

[Amended 11-21-1995 by Ord. No. 1846-95]

Article II: Street Openings and Excavations

§ 255-10 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PERMIT AREA

The area within the right-of-way lines of any township highway and any highway constructed in accordance with plans approved by the township, and also such portions of any state or county highway as may be located beyond the curbs, but

within the right-of-way lines hereof.

PERSON

Includes a person, firm, corporation or association.

§ 255-11 Permit required.

It shall be unlawful for any person to make or cause or permit to be made or caused any excavation or opening in or under the surface or pavement of any permit area for the purpose of installing or repairing pipes, sewers, drains, conduits, sidewalks, curbs, driveways and similar structures or for erecting or replacing poles, without first having obtained a permit; nor shall any person store materials upon the permit area without first having obtained a permit.

§ 255-12 Application.

A written application for a permit shall be made to the Public Works Department setting forth the following:

- A. The name and address of the applicant.
- B. The purpose of the application.
- C. The time and place where the work is to be done or the permit area to be occupied.
- D. Such other information as the Township Engineer shall require.

§ 255-13 Liability and insurance.

- A. The filing of an application and the issuance of a permit shall constitute an agreement on the part of the applicant to comply with the terms of this chapter and all rules, regulations and requirements of the Public Works Department now in force or hereafter adopted and shall constitute an agreement to indemnify and save harmless the township from and against all claims, demands and actions for damages either to person or property that may be sustained by any person by reason of or arising out of any work done or action taken under the application and permit. The application shall be signed by a person who shall, in connection therewith, have filed with the Township Manager a certificate showing that the applicant has obtained from a reputable company a policy of insurance with limits of five hundred thousand dollars/one million dollars (\$500,000/\$1,000,000.) for both public liability and for property damage against any claim, demand or action for damages either to person or property which may rise out of work done or action taken under the application and permit.

[Amended 12-15-1992 by Ord. No. 1766-92; 11-21-1995 by Ord. No. 1846-95]

- B. No such policy of insurance shall be required, however, where the work is to be performed by a corporation subject to the supervision of the Public Utility Commission or the work is to be performed by the owner himself on his own property, it does not involve the breaking of any improved surface, it is to be completed within one working day and the cost thereof does not exceed the sum of \$50.

§ 255-14 Construction and inspection; fees.

[Amended 12-16-1980 by Ord. No. 1494; 11-16-1982 by Ord. No. 1551; 12-15-1992 by Ord. No. 1766-92; 11-21-1995 by Ord. No. 1846-95]

- A. At the time of the filing of the application, the applicant shall pay, in addition to the permit fee, the fees for construction and inspection. Said fees shall be set forth from time to time by resolution of the Board of Commissioners.^[1]

[1] *Editor's Note: For current fee amounts, see Ch. A300, Fees.*

- B. Improved surface. The minimum width of any opening or excavation in an improved surface shall be two feet.

§ 255-15 Issuance of permits; renewal; fees.

[Amended 12-16-1980 by Ord. No. 1494; 11-16-1982 by Ord. No. 1551; 9-15-1992 by Ord. No. 1766-92; 11-21-1995 by Ord. No. 1846-95]

- A. Upon the filing of an application for a street opening permit, with certificates of insurance when applicable, the applicant shall pay the permit application fee, in an amount to be set forth from time to time by resolution of the Board of

Commissioners, and the inspection fees hereinabove specified. The Township Manager shall issue a permit which, unless stated to be for a shorter period, shall be good for 60 days and may be renewed for a like period upon payment of a renewal fee, in an amount to be set forth from time to time by resolution of the Board of Commissioners.^[1]

[1] *Editor's Note: For current fee amounts, see Ch. A300, Fees.*

- B. Upon the filing of an application for a curb or sidewalk permit, the applicant shall pay the permit application fee, in an amount to be set forth from time to time by resolution of the Board of Commissioners, and the inspection fee hereinabove specified. The Township Manager shall issue a permit which, unless stated to be for a shorter period, shall be good for 60 days and may be renewed for a like period upon payment of a renewal fee, in an amount to be set forth from time to time by resolution of the Board of Commissioners.^[2]

[2] *Editor's Note: For current fee amounts, see Ch. A300, Fees.*

§ 255-16 Possession of permit.

[Amended 12-16-1980 by Ord. No. 1494; 11-16-1982 by Ord. No. 1551]

The permit shall at all times be kept in the possession of a competent person actually engaged in the work and upon demand shall be exhibited to any police officer or properly authorized employee of the township, county or state. Nothing above shall prohibit the undertaking of emergency work without the formal issuance of a permit, provided that such permit application is filed during the next regular business day.

§ 255-17 Relocation of structures.

The filing of an application for the installation of any of the structures referred to in this chapter shall constitute an agreement that the applicant will, upon notice from the township and without expense to the township, make such changes in the location thereof as may be required by the Township Engineer because of interference with township-owned structures. If any structure is not removed upon notice from the township, the Public Works Department may remove it and charge the cost thereof to the applicant.

§ 255-18 Performance of work.

All work performed hereunder shall be subject to the supervision and approval of the Township Engineer. Whenever the Township Engineer shall consider it necessary or advisable, he shall appoint a special inspector who shall inspect the work as it progresses, provided that the Township Engineer has notified the applicant at the time of applying for the permit that special inspection may be necessary. All such work shall conform to the following requirements:

- A. Commencement of work. All work shall be undertaken within the time specified in the permit or within 24 hours after receipt of the permit where no time for commencement is specified therein and shall be performed diligently and continuously until completed.
- B. Closing permit area to traffic. In no case shall a permit area, or any part thereof, be closed to traffic without the written consent of the Township Engineer.
- C. Tunneling under an improved surface. Whenever in connection with any work covered by this chapter a tunnel is to be made under an improved surface, this fact shall be referred to in this application. Before a tunnel is excavated, specific approval must be obtained from the township and endorsed on the permit. The backfilling of the excavation shall be done in the presence of a special township inspector. It shall be made with one to four to eight (1:4:8) damp concrete mix, thoroughly tamped in six-inch layers, or according to a similar method approved by the Township Engineer.
- D. Backfilling excavations. All openings or excavations shall be backfilled with suitable materials thoroughly compacted in layers, each of which shall not exceed six inches in depth, tamped to within 10 inches of the surface, or puddled where ordered by the Township Engineer.
- E. Sidewalks and gutters. Sidewalks, gutter, paving and other improvements, except permanent street paving which shall be installed by the township, shall be restored by the applicant to a condition equal to that existing before the opening or excavation was made.
- F. Temporary paving. A temporary paving of materials previously removed from the road surface 10 inches in depth, the top two inches of which shall be made of new bituminous concrete, thoroughly bound and compacted shall be installed flush with the

surface of the adjoining paving. The applicant shall keep and maintain such paving in proper condition until such time as the permanent paving is constructed by the township. If the applicant fails to install such paving within a reasonable time after the completion of the improvements or fails to properly maintain such paving, the township shall perform the work and charge the costs thereof to the applicant.

G. Permanent paving.

- (1) Permanent paving shall be constructed by the applicant within 30 days after the installation of the temporary paving. If, within one year after the installation of the permanent paving, defects appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the township for the cost of all necessary repairs to the permanent paving.

[Amended 12-15-1992 by Ord. No. 1766-92]

- (2) If at the time of issuance of the permit the Township Engineer shall determine in his discretion that the applicant should make the permanent restoration, and the permit so provides, then the permanent paving shall be constructed by the applicant within 60 days after the installation of the temporary paving. If any defects appear therein, the applicant shall immediately upon receipt of notice from the township make at its costs such repairs as may be necessary.

§ 255-19 Sidewalks, curbs, driveways, roof drains and pipes.

- A. Lines and grades. The Township Engineer shall furnish information as to lines and grades for the construction and repair of sidewalks, curbs and driveways within the permit area, and no work shall be performed therein that does not conform to such lines and grades.
- B. Curbs. The construction and resetting of curbs and the making of cuts therein shall be performed only under the direction of the Township Engineer.
- C. Driveways. Driveways must be constructed across the permit area at the grade of the sidewalk and meet the grade of the curb. Curbs may be depressed to two inches above the surface of the road, but depressed curbs may be constructed only by placing new curb. No chipping of the curb will be permitted. Sidewalks may be constructed across driveways.
- D. Drains. No stormwater drains shall be constructed or maintained which discharge water over or upon any sidewalk. Such drains shall be constructed under the sidewalk. Where the outlet of a drain is adjacent to a storm sewer, connection shall be made therewith. Waste from sinks or cesspools and foul or offensive drainage shall not be discharged upon any highway or into storm drains.
- E. Pipes. Property owners shall keep free of obstruction all gutter pipes which receive or carry water within a permit area.
- F. Specifications and regulations. All work within a permit area shall conform to township specifications and regulations on file in the office of the Public Works Department.

§ 255-20 Permit area requirements.

No building materials shall be stored on the improved surface of any highway or obstruct any sidewalk so that free passage of not less than four feet in width shall be at all times maintained, nor shall such materials be allowed to obstruct the flow of water in any gutter or be placed within 25 feet of any fire hydrant or be mixed upon any improved surface or left within the permit area after the expiration of the permit.

§ 255-21 Gasoline pumps, fences and other obstacles.

No gasoline pumps, oil tanks, walls, fences, posts, planting, shrubbery or similar obstructions may be placed within the permit area. Any such obstruction shall be removed promptly by the property owner whenever written notice to remove such obstruction is given by the Township Engineer. If the owner fails to comply with such notice, the township shall remove the obstruction and charge the cost thereof to the owner.

§ 255-22 Violations and penalties.

[Amended 11-21-1995 by Ord. No. 1846-95]

Any person who shall do or cause any work to be done or any action to be taken without the permit required by this chapter or who shall fail to comply with any of the provisions of the permit or of this chapter shall be liable, on conviction thereof, to a fine of not more than \$600 for each offense. Whenever such person shall have been notified by the Township Engineer or by the service of a summons in a prosecution or in any other way that he is committing a violation of this chapter, each day in which he shall continue such violation shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected before any Justice of the Peace as like fines or penalties are now by law collected.^[1]

[1] *Editor's Note: Former Art. III, Manholes, which immediately followed this section, was repealed 11-21-1995 by Ord. No. 1846-95.*